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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,161	WEBER, BARRY JAY	
	Examiner	Art Unit	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are presented for examination. Claim 1 has been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-11 and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Liwerant et al. (US 2005/0246752).
4. As per claim 1, Liwerant teaches the invention as claimed including a method for sharing information in a network [pars. 5, 6 & 7], comprising steps of enabling a user to define a data segment [i.e., identification tag], recording the defined data segment at one of a plurality of user systems connected to the network [12, 14 & 20, Fig. 1; 605, Fig. 6A; par. 38, lines 6-14; par. 40; par. 72]; transmitting first information associated with the defined data segment to a remote location [645, Fig. 6A; par. 38, lines 14-27; pars. 86 & 95], the first information being data other than the data segment [i.e.,

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thumbnail, par. 85]; and receiving from the remote location [i.e., host computer 60, Fig. 1], at each of the plurality of user systems connected to the network, second information [i.e., the data segment and the related information, which requested by a user] identifying the defined data segment and other than the data segment [par. 38, lines 27-50; par 106].

5. As per claim 2, Liwerant teaches the defined data segment comprising a portion of a television program [Fig. 1; pars. 5; i.e., the defined data segment including imported existing multimedia file, such as portion of television program].

6. As per claim 3, Liwerant teaches the step of specifying a starting point and an ending point of the defined data segment by the user [i.e., the data segment generated by the user, which including a starting point and an end point; par. 7; par. 38, lines 6-27; pars. 61 & 62].

7. As per claim 4, Liwerant teaches the first information identifying the defined data segment comprising a first start point and a first end point of the defined data segment [i.e., the data segment generated by the user, which including a starting point and an end point; par. 7; par. 38, lines 6-27; par. 61 & 62] and the second information identifying the defined data segment comprising a first start point and a first end point of the defined data segment [i.e., the data segment sent to the user, which including a starting point and an end point par. 38, lines 27-50; par 106].

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8. As per claim 5, Liwerant teaches the step of enabling the user to modify the defined data segment [par. 57].

9. As per claim 6, Liwerant teaches the modifying step including changing at least one of a starting point and an ending point of the defined data segment [pars. 57, 63-64 & 69; i.e., use being able to cancel the last record and start a new record].

10. As per claim 8, Liwerant teaches the second information identifying the defined data segment being adjusted at the remote location to compensate for time delay differences within the network [par. 102; adjust the format for different bandwidth target].

11. As per claim 9, Liwerant teaches the invention as claimed including a method for sharing information in a network [pars. 5, 6 & 7], comprising steps of recording data segments defined by any of a plurality of users [12, 14 & 20, Fig. 1; 605, Fig. 6A; par. 38, lines 6-14; par. 72]; receiving from the plurality of users, information other than the data segment identified the data segments defined by the plurality of users, at a remote location [645, Fig. 6A; par. 38, lines 14-27; pars. 86 & 95]; and transmitting to each of the plurality of users, the information identifying the data segments defined by the any of the plurality of users, from the remote location [par. 38, lines 27-50; par 106].

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12. As per claim 10, Liwerant teaches the defined data segment comprising a portion of a television program [Fig. 1; pars. 5; i.e., the defined data segment including imported existing multimedia file, such as portion of television program].

13. As per claim 11, Liwerant teaches the step of specifying a starting point and an ending point of the defined data segment by the user [i.e., the data segment generated by the user, which including a starting point and an end point; par. 7; par. 38, lines 6-27; pars. 61 & 62].

14. As per claim 13, Liwerant teaches the second information identifying the defined data segment being adjusted at the remote location to compensate for time delay differences within the network [par. 102; adjust the format for different bandwidth target].

15. As per claim 14, since it is apparatus claim of claim 1, it is rejected for the same basis as claim 1 above.

16. As per claim 15, since it is apparatus claim of claim 2, it is rejected for the same basis as claim 2 above.

17. As per claim 16, since it is apparatus claim of claim 3, it is rejected for the same basis as claim 3 above.

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18. As per claim 17, since it is apparatus claim of claim 4, it is rejected for the same basis as claim 4 above.

19. As per claim 19, since it is apparatus claim of claim 4, it is rejected for the same basis as claim 8 above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 7, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liwerant (Pub. No. US 2005/0246752) as applied to claims 1-6, 8-11 and 13-17 above, in view of Moynihan (Pub. No. US 2002/0056119).

22. As per claim 7, Liwerant teaches the invention substantially as claimed in claim 1. Liwerant does not specifically teach the step of transmitting the defined data segment to the remote location in accordance with a predefined time schedule. However, Moynihan on the other hand teaches the step of transmitting the defined data segment to the remote location in accordance with a predefined time schedule [i.e., broadcast schedule, par. 56]. It would have been obvious to a person of ordinary skill in the art at

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the time the invention was made to utilizing Moynihan's predefined time schedule in Liwerant's system because doing so would allow the viewer being able to select the right time for watching the data segment if he/she can aware of the program schedule ahead. One of ordinary skill in the art would have been motivated to modify Liwerant's system with Moynihan's predefined time schedule for bring convenience to view.

23. As per claim 12, Liwerant teaches the invention substantially as claimed in claim 1. Liwerant does not specifically teach the step of transmitting the defined data segment to the remote location in accordance with a predefined time schedule. However, Moynihan on the other hand teaches the step of transmitting the defined data segment to the remote location in accordance with a predefined time schedule [i.e., broadcast schedule, par. 56]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilizing Moynihan's predefined time schedule in Liwerant's system because doing so would allow the viewer being able to select the right time for watching the data segment if he/she can aware of the program schedule ahead. One of ordinary skill in the art would have been motivated to modify Liwerant's system with Moynihan's predefined time schedule for bring convenience to view.

24. As per claim 18, since it is apparatus claim of claim 4, it is rejected for the same basis as claim 7 above.

Conclusion

25. Applicant's arguments with respect to claims 1-19 have been considered but are not persuasive.

26. In the remarks, applicant argued in substance that:

(1) Liwerant does not teach recording the undefined data segment at the user system connected to the network.

(2) Moynihan does not teach recording the undefined data segment at the user system connected to the network.

27. Examiner respectfully traverses applicant's remarks:

A. As to point (1), applicant fails to consider the teaching of Liwerant's reference for creating video segment using Web cam [par. 40], i.e., the user have to be connected to the network during recording procedure. Thus, Liwerant does teach recording the undefined data segment at the user system connected to the network.

B. As to point (2), Moynihan is a prior art reference used in 103(a) rejection for claims 7, 12 and 18, it teaches the step of transmitting the defined data segment to the remote location in accordance with a predefined time schedule. There is no necessary for a 103(a) reference to teach all the limitations in the claims. Furthermore, Examiner never mentioned that Moynihan's reference covered all the limitations in the claims. If so, Moynihan should be used as a reference for 102 rejection. Thus, the argument for Moynihan's reference is improper.

Accordingly, Liwerant and Moynihan are still relevant prior art references.

28. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 15, 2006



VIET D. VU
PRIMARY EXAMINER